

DETAILED ACTION

1. Claims 1, 12, 16, 24, 35, 38, 42, 43, 48, 51 and 53 are pending in the instant application. Claims 48 and 51 are cancelled herein by Examiner's Amendment.

RESPONSE TO AMENDMENT

2. The claims amendments filed on December 22, 2008 were fully considered. The 35 USC 112 2nd paragraph rejection has been obviated and is thus hereby withdrawn.
3. For the reasons provided in the interview summary dated November 13, 2008 the obviousness-type double patenting rejection is hereby withdrawn.

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Weber on March 11, 2009.

The application has been amended as follows:

Claim 48. Cancel

Claim 51. Cancel

REASONS FOR ALLOWANCE

6. The following is an examiner's statement of reasons for allowance. The claimed compounds are novel and unobvious over the art of record. Later-filed copending application US 11/993,757 contains overlapping subject matter with the instant application. However, pursuant MPEP 804, an obviousness-type double patenting rejection is not made since there are no grounds of rejection remaining in the instant application. Support for the claimed method is provided in the instant specification (pg. 49-50).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUN JAE Y. LOEWE whose telephone number is (571)272-9074. The examiner can normally be reached on M-F 7:30-5:00 Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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/Sun Jae Y. Loewe/
3-11-2009

/Golam M. M. Shameem/
Primary Examiner, Art Unit 1626